



CITY COUNCIL

MEMBERS:

LEANNE HUFF
COREY THOMAS
SHARLA BYNUM
PORTIA MILA
SHANE SIWIK
NATALIE PINKNEY
RAY DEWOLFE

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South Salt Lake City Council Work Meeting

I, Sharla Bynum, City Council Chair, hereby determine that conducting the City Council meeting at an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location. The World Health Organization, the President of the United States, The Governor of Utah, the County Health Department and Mayor, and the Mayor of South Salt Lake City have all recognized a global pandemic exists related to the new strain of the coronavirus, SARS- CoV-2. Due to the State of emergency caused by the global pandemic, I find that conducting a meeting at an anchor location under the current state of public health emergency constitutes a substantial risk to the health and safety of those who may be present at the location.

Dated: October 8, 2020

Signed: _____/s/ Sharla Bynum

Public notice is hereby given that the South Salt Lake City Council will hold a Work Meeting on **Wednesday, October 28, 2020**. This meeting will be an electronic meeting commencing at **6:00 p.m.**, or as soon thereafter as possible. There will be no Council Members at the anchor location of South Salt Lake City Hall.

Conducting: Sharla Bynum, Council Chair

MATTERS FOR DISCUSSION:

- | | |
|------------------------------------|--------------------|
| 1. No Knock Warrants Discussion | Chief Jack Carruth |
| 2. Property Forfeitures Discussion | Chief Jack Carruth |
| 3. Citizen Review Board Discussion | Sharla Bynum |

Adjourn

Posted October 23, 2020

Please click the link below to join the webinar:

<https://zoom.us/j/98060324145?pwd=bG5ZU0QzN1RDMU16S2o1Z0psNEhQT09>

Passcode: 435037

Or iPhone one-tap :

US: +12532158782,,98060324145# or +13462487799,,98060324145#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833 or +1 301 715 8592 or +1 312 626 6799 or +1 929 205 6099 or 888 475 4499 (Toll Free) or 833 548 0276 (Toll Free) or 833 548 0282 (Toll Free) or 877 853 5257 (Toll Free)

Webinar ID: 980 6032 4145

International numbers available: <https://zoom.us/j/98060324145?pwd=bG5ZU0QzN1RDMU16S2o1Z0psNEhQT09>

CITY OF SOUTH SALT LAKE
CITY COUNCIL WORK MEETING

COUNCIL MEETING

Wednesday October 28
6:00 p.m.

CITY OFFICES

220 East Morris Avenue #200
South Salt Lake, Utah 84115

PRESIDING
CONDUCTING

Council Chair Sharla Bynum
Council Chair Sharla Bynum

COUNCIL MEMBERS PRESENT:

Sharla Bynum, Ray deWolfe, LeAnne Huff, Portia Mila, Natalie Pinkney,
Shane Siwik and Corey Thomas

STAFF PRESENT:

Mayor Cherie Wood
Hannah Vickery, City Attorney
Jack Carruth, Police Chief
Terry Addison, Fire Chief
Kyle Kershaw, Finance Director
Dennis Pay, City Engineer
Mont Roosendaal, Public Assets Director
Alexandra White, Community Development Director
Lindsey Edwards, Homeless Outreach & Strategies Director
Aaron Wiet, Parks and Recreation Director
Kelli Meranda, Promise South Salt Lake Director
Sean Lewis, Deputy Community Development Director
Dave Alexander, Streets Division Manager
Julie Taylor, Public Relations Coordinator
Chris Taylor, Police Officer
Cody Coggle, Police Sergeant
BJ Allen, GIS Specialist/IT
Calvin Henninger, Staff Writer
Craig Burton, City Recorder
Ariel Andrus, Deputy City Recorder

Matters for Discussion

- 1. No Knock Warrants.** Police Chief, Jack Carruth, gave a presentation on no knock warrants. A copy is attached and incorporated by this reference.

Council Member deWolfe said one slide said that officers would wear a body camera unless it was impractical. He wondered if there has ever been a situation where it is impractical.

Chief Carruth said some agencies don't issue body cameras to their officers and the statute allows for the agency to choose to use body cameras.

Council Member deWolfe wondered if in South Salt Lake when serving a no knock warrant, if the Chief could recall in the last couple of years a situation where it could have been impractical to not use a body camera while executed a no knock warrant.

Chief Carruth could not recall a situation and further provided that some agencies don't have body cameras but that in South Salt Lake there are cameras available for use by detectives serving no knock warrants.

Chief Carruth said South Salt Lake has signed an agreement with Unified Police for their department to deliver no knock warrants in South Salt Lake. He gave detail on how this partnership came about and why South Salt Lake continues that partnership.

Council Member Pinkney asked some clarifying questions about no knock warrants served in the City and what kind of control South Salt Lake PD has over those warrants being served.

Council Member Siwik asked some clarifying questions in regards to what warrant serving situations may trigger a use of force review.

2. Property Forfeitures. Chief Carruth gave an overview on asset forfeitures. A copy is attached and incorporated by this reference.

Council Member Siwik asked how forfeitures and unclaimed property differ.

Chief Carruth clarified the difference between the two things and how those situations are handled.

Council Member Siwik asked about the amount of money that is brought into the City from property forfeitures.

Chief Carruth gave some amounts that are brought into the City. The total doesn't usually amount to very much.

3. Citizen Review Board Discussion. Council Chair Bynum said in two weeks from now the Council will listen to a presentation on school to prison pipeline and what the City is doing for that matter.

The Council is currently on draft version 8.5 of this Ordinance. At the next Council meeting this item will be on the Regular Meeting agenda and there will be a discussion on the budget implications.

Mayor Wood gave a brief overview of her board selection process. She will go over this process in more detail in the regular meeting.

Council Member Pinkney said she likes what Mayor Wood has put forth with the selection committee process.

Council Member Siwik said is fine with no knock warrants and property forfeitures not being a part of the Citizen Review Board review process after hearing the Chief's presentation tonight.

The meeting adjourned at 6:58 p.m.

/s/ Sharla Bynum
Sharla Bynum, Council Chair

/s/ Craig D. Burton
Craig D. Burton, City Recorder



Chief of Police Jack Carruth

City Council - Warrants and Seizures

October 28, 2020

The Constitution of the United States - Amendment 4 - Search and Seizure

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Effective 5/8/2018

77-23-210. Force used in executing a search warrant -- When notice of authority is required as a prerequisite.

(1) (a) No later than July 1, 2015, any law enforcement agency that seeks a warrant under this section shall comply with guidelines and procedures which are, at a minimum, in accordance with state law and model guidelines and procedures recommended by the Utah Peace Officer Standards and Training Council created in Section 53-6-106.

(b) Written policies adopted pursuant to this section shall be subject to public disclosure and inspection, in accordance with Title 63G, Chapter 2, Government Records Access and Management Act.

(2) When a search warrant has been issued authorizing entry into any building, room, conveyance, compartment, or other enclosure, the officer executing the warrant may enter:

(a) if, after giving notice of the officer's authority and purpose, there is no response or the officer is not admitted with reasonable promptness; or

(b) without notice of the officer's authority and purpose as provided in Subsection (3).

(3) (a) The officer may enter without notice only if:

- (i) there is reasonable suspicion to believe that the notice will endanger the life or safety of the officer or another person;
 - (ii) there is probable cause to believe that evidence may be easily or quickly destroyed; or
 - (iii) the magistrate, having found probable cause based upon proof provided under oath that the object of the search may be easily or quickly destroyed, or having found reason to believe that physical harm may result to any person if notice were given, has directed that the officer need not give notice of authority and purpose before entering the premises to be searched under the Rules of Criminal Procedure; or
 - (iv) the officer physically observes and documents a previously unknown event or circumstance at the time the warrant is being executed which creates probable cause to believe the object of the search is being destroyed, or creates reasonable suspicion to believe that physical harm may result to any person if notice were given.
- (b) The officer shall identify himself or herself and state the purpose for entering the premises as soon as practicable after entering.
- (4) An officer executing a warrant under this section may use only that force which is reasonable and necessary to execute the warrant.
- (5) An officer executing a warrant under this section shall wear readily identifiable markings, including a badge and vest or clothing with a distinguishing label or other writing which indicates that he or she is a law enforcement officer.

(6)(a) An officer executing a warrant under this section shall comply with the officer's employing agency's body worn camera policy when the officer is equipped with a body-worn camera.

(b) The employing agency's policy regarding the use of body-worn cameras shall include a provision that an officer executing a warrant under this section shall wear a body-worn camera when a camera is available, except in exigent circumstances where it is not practicable to do so.

(7)(a) The officer shall take reasonable precautions in execution of any search warrant to minimize the risks of unnecessarily confrontational or invasive methods which may result in harm to any person.

(b) The officer shall minimize the risk of searching the wrong premises by verifying that the premises being searched is consistent with a particularized description in the search warrant, including such factors as the type of structure, the color, the address, and orientation of the target property in relation to nearby structures as is reasonably necessary.

(8) Notwithstanding any provision in this chapter, a warrant authorizing forcible entry without prior announcement may not be issued under this section, solely for:

(a) the alleged possession or use of a controlled substance; or

(b) the alleged possession of drug paraphernalia as provided in Section 58-37a-3.

KNOCK & ANNOUNCE WARRANTS

2015 – 0


2016 – 4

2017 – 2

2018 – 2

2019 – 11



- The majority of warrants are served when the suspect(s) are not on scene.
 - Secondary announcements are made.
“Breach and call-out”
 - Safety of officer's, suspect's and bystander's is a priority.
 - Detectives will place life over property.
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NO – KNOCK WARRANTS (UPD)

2017 – 57 total ops / 46 warrants / 11 barricade

2018 – 50 total ops / 33 warrants / 17 barricade

2019 – 77 total ops / 59 warrants / 26 barricade

2020 – 89 total ops / 63 warrants / 26 barricade
(Jan 1st – October 23rd)

City Council – Presentations or event observations are available.

Asset Forfeitures



2000 - The Utah Property Protection Act (Initiative B):


A state ballot initiative passed in 2000 that placed significant restrictions on State and Federal forfeiture in the State of Utah. Specifically, Initiative B restricted the ability for law enforcement and prosecutors to forfeit property seized from individuals charged with criminal activity; Established uniform procedures for the forfeiture of property; Prohibited use of any funds by law enforcement resulting from forfeiture and mandated that all liquidated assets from forfeitures be given to the Utah Uniform School Fund.

2004 - Senate Bill 175 (S.B. 175):

Legislation passed in the 2004 Legislative General Session for the purpose of modifying some aspects of Initiative B, including restoring the ability of law enforcement to use money gained from state and federal forfeitures. S.B. 175 also created the State Asset Forfeiture Grant Program (SAFG) and tasked the Utah Commission on Criminal and Juvenile Justice (CCJJ) with the administration of all state forfeiture funds remitted by law enforcement to the Criminal Forfeiture Restricted Account (CFRA). Through S.B. 175, CCJJ was tasked with gathering information and reporting on how law enforcement agencies were using federal forfeiture money. CCJJ continues to fulfill these responsibilities today. Additionally, through S.B. 175, the Utah Legislature also created specific allowable and unallowable uses of state and federal forfeiture funding.


2014 - House Bill 427 (H.B. 427):

Legislation passed in the 2014 Legislative General Session for the purpose of expanding the allowable uses of state asset forfeiture funding. Specifically, H.B. 427 authorized CCJJ, as the administrative agency for the SAFG program, to award grants in support of the state crime victims' reparation fund.

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2015 - Senate Bill 52 (S.B. 52):

Legislation passed in the 2015 Legislative General Session for the purpose of expanding the annual reporting requirements for law enforcement agencies receiving state and federal asset forfeiture awards. S.B. 52 substantially increased the information to be collected each year by CCJJ from law enforcement agencies.

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2017 - Senate Bill 70 (S.B. 70):

Legislation passed in the 2017 Legislative General Session for the purpose of further expanding the annual reporting requirements for law enforcement agencies receiving state and federal asset forfeiture awards.

Some of the key reporting provisions of S.B. 70 include: information on related criminal charges, the value of seized property, the agency's share of property received from a federal forfeiture case, the agency's costs incurred in making the required reports, storage costs and the legal costs incurred by the prosecuting attorney.

SSLPD POLICY 603.4 – PROCESSING SEIZED PROPERTY FOR FORFEITURE

- Proper forms are completed (UCA 24-2-103).
- Receipt to person(s) owning property, or in possession.
- Seizure of items of evidence and seizure of items for asset forfeiture are two separate and distinct actions.
- Property is booked as “Seized subject to forfeiture”.

- Asset forfeiture proceedings require additional documentation and review by our department, as well as notification to persons from whom the items are seized.
- Officers are required to book the seized property as evidence, on a separate property form from other evidence, noting in the comment section of the property form, "Seized Subject to Forfeiture."
- All property is photographed.

UCA 24-2-103 PROPERTY SEIZED BY A PEACE OFFICER – CUSTODY AND CONTROL OF PROPERTY

Effective 5/9/2017

24-2-103. Property seized by a peace officer -- Custody and control of property.

- (1) (a) When property is seized by a peace officer, the peace officer or the officer's employing agency shall provide a receipt to the person from whom the property was seized.
- (b) The receipt shall describe the:
 - (i) property seized;
 - (ii) date of seizure; and
 - (iii) name and contact information of the officer's employing agency.
- (c) In addition to the receipt, the person from whom the property was seized shall be provided with information regarding the forfeiture process, including:
 - (i) important time periods in the forfeiture process;
 - (ii) what happens to the property upon conviction or acquittal; and
 - (iii) how to make a claim for the return of the property.
- (d) A copy of the receipt shall be maintained by the agency.
- (e) If custody of the property is transferred to another agency, a copy of the receipt under Subsection (1)(a) shall be provided with the property.
- (2) The agency responsible for maintaining the property shall:
 - (a) hold all seized property in safe custody until it can be disposed of as provided in this title; and
 - (b) maintain a record of the property that includes:

(b) maintain a record of the property that includes:

- (i) a detailed inventory of all property seized;
- (ii) the name of the person from whom it was seized; and
- (iii) the agency's case number.

(3) Property seized under this title is not recoverable by replevin, but is considered in the agency's custody subject only to the orders of the court or the official having jurisdiction.

(4) All controlled substances or other contraband that is seized by a peace officer may be processed for evidentiary or investigative purposes, including sampling or other preservation procedure prior to disposal or destruction.

(5) (a) An agency shall deposit property in the form of cash or other readily negotiable instruments into a separate, restricted, interest-bearing account maintained by the agency solely for the purpose of managing and protecting the property from commingling, loss, or devaluation.

(b) Each agency shall have written policies for the identification, tracking, management, and safekeeping of seized property, which shall include a prohibition against the transfer, sale, or auction of seized property to any employee of the agency.

(6) If a peace officer or the officer's employing agency records an interview of a minor child during an investigation of a violation of Section 76-5-402.1, 76-5-402.3, 76-5-403.1, or 76-5-404.1, the agency shall retain a copy of the recording for 18 years following the date of the last recording unless the prosecuting attorney requests in writing that the recording be retained for an additional period of time.


(7) Title 13, Chapter 32a, Pawnshop and Secondhand Merchandise Transaction Information Act, governs the disposition of property held by a pawn or secondhand business in the course of its business.

ASSET FORFEITURE CASES

| | | |
|--------|---------------------------------|---------------|
| 2015 - | 16 (SSLPD) of 393 (State cases) | = \$1.882.047 |
| 2016 - | 6 of 400 | = \$1.410.037 |
| 2017 - | 3 of 334 | = \$2.180.290 |
| 2018 - | 6 of 215 | = \$1.912.952 |
| 2019 - | 4 of 225 | = \$1.747.945 |





- ▶ Sergeant reviews all seizures and forfeitures
 - ▶ Reports are filed with the county attorney's office
 - ▶ From 2008, The only property that has been seized by SSLPD, was a 2007 Chevy Cobalt in 2016.
 - ▶ No seizures or forfeitures in 2020
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SAFG GRANT AWARDS

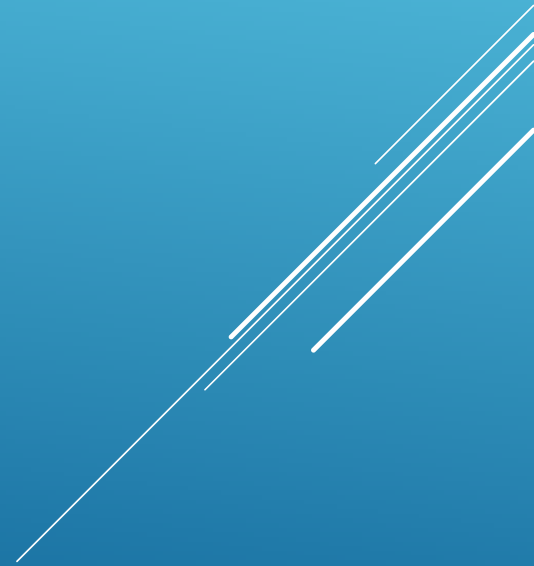
2015 - \$7500.00 (Body Cameras)

2016 - \$0

2017 - \$3700.00 (Rifle Racks)

2018 - \$0

2019 - \$0



Chapter 2.70- CITIZEN REVIEW BOARD

2.70.010 ESTABLISHMENT OF THE BOARD.

This Chapter hereby establishes the procedures governing the Citizen Review Board. In the event of any conflict between previous ordinances, resolutions, regulations, or directives and this Chapter, this Chapter shall govern.

2.70.020 PURPOSE.

The Citizen Review Board is designed to improve communication between the Police Department and the community, to help ensure police accountability and credibility with the public, and to create a review process that is free from bias and informed of actual police practice to provide independent civilian oversight of the City of South Salt Lake Police Department. The provisions of this Chapter are meant to ensure that the powers, jurisdiction, and responsibilities of the Board are consistent with this mission.

2.70.030 MEMBERSHIP OF THE BOARD.

(1) The Citizen Review Board shall consist of seven voting members, plus two alternates who may act in the place of any absent member at any meeting of the board

(2) The Mayor shall implement a recruitment process for selecting board members which shall include, at a minimum, an application process and committee that will recommend applicants.

(3) Members of the Citizen Review board shall be appointed by the Mayor with advice and consent of the City Council. In selecting board members, the City shall endeavor to reflect community diversity, including income level, race, ethnicity, age, gender, sexual orientation and experience. The board shall be made up of residents of the City or individuals representing the business community of the City. Employees of the City, including but not limited to employees of the Police Department, shall not be permitted to serve as voting members on the Board.

(4) No voting member shall be a current law enforcement officer as defined in Utah Code Ann. §53-13-103. At any given time, there shall not be more than one voting member who has previously been employed as a law enforcement officer as defined in Utah Code Ann. §53-13-103.

(5) In addition to the voting members of the board, the Mayor shall select a non-voting advisory member with law enforcement experience who is not currently employed by the City or related to an employee of the Police Department.

(6) Terms shall be two years in length. Members may be reappointed to the Board.

(7) A member of the Board may be removed with or without cause by the Mayor.

(8) A chairperson of the Board shall be designated by the Board annually at the first meeting in the calendar year.

(9) Board members, including the non-voting advisory board member shall be compensated at a rate of \$_____ for each meeting attended. In addition, costs of training, travel, and per diem may be approved by the City.

(10) All board members, including the advisory member, are required to undergo appropriate background screening before being presented for advice and consent and shall maintain ongoing Bureau of Criminal Identification clearance throughout their term. In the event the Bureau of Criminal Identification and/or the City determines that a board member is ineligible to maintain access to the Utah Criminal Justice Information System the board member's status shall immediately terminate.

2.70.00 SCOPE AND JURISDICTION OF THE BOARD.

(1) The Board shall review the following matters:

- a. All uses of force by the City of South Salt Lake Police Department; and
- b. All vehicular pursuits.

(2) The Board shall create a mediation program designed to provide an opportunity for civilians and police officers to sit down with two mediators in a neutral setting to discuss unresolved civilian complaints.

(3) The Board shall be afforded, at least quarterly, time on a City Council agenda to present information or documents that are relevant to the board's functions and make any

recommendation to the City Council regarding changes to specific training or policies of the Police Department.

(2) For the purpose of this Chapter, “use of force” shall be defined as the application of an arrest control tactic, display or discharge of a firearm, display or use of a Taser, use of a chemical agent, use or deployment of a canine to effect an arrest, or intentional damage to property of another in an apparent show of force to effect an arrest, but not including compliant use of handcuffs.

(3) For the purpose of this Chapter, “vehicular pursuit” shall be defined as an active attempt by an officer in an authorized emergency vehicle to apprehend fleeing suspects who are attempting to avoid apprehension through evasive and unlawful tactics.

(4) The Board shall not act in a manner outside the scope of this Section or in a manner not in conformance with objectives identified in this Chapter.

2.70.050. MEETINGS OF THE BOARD.

(1) The Board shall meet monthly at a time and place to be determined by the Board Chairperson, or the Mayor in the absence of a Board Chairperson. Board meetings shall be publicly noticed.

(2) The Board shall be authorized to hold special meetings, provided public notice is given of the time and place of such meetings.

(3) At the opening of each meeting of the Board, the Board shall hear public comments. This portion of the meeting shall be open to the public and shall not exceed thirty minutes. The purpose of this comment period is to allow citizens to voice any opinions or concerns regarding policing issues in City of South Salt Lake.

(4) Before the comment period, the chairperson of the Board shall instruct the audience as follows:

a. The comment period is an informal opportunity to voice concerns regarding policing issues in City of South Salt Lake. All comments shall relate to policing issues and not to other matters of general concern;

b. Any person wishing to comment shall request recognition by the chairperson;

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- c. Upon recognition, the citizen shall approach the microphone and address the chairperson;
 - d. All citizen comments shall be directed to the chairperson and the Board, not other members of the audience or other staff members;
 - e. Based on the number of citizens presenting to make comment during the comment person, the Chairperson of the Board shall identify, prior to opening for public comment, a time period by which to limit each comment.
 - f. Citizens should not expect debate or dialogue, although the chairperson or Board members may respond if they so choose; and
 - g. If a citizen violates these requirements or behaves in a disruptive or disorderly manner, he or she shall be removed from the meeting.

(5) Following the conclusion of the public comment period, the chairperson shall close the meeting to the public to discuss specific matters before the Board.

2.70.060 FINDINGS AND RECOMMENDATIONS OF THE BOARD.

- (1) The South Salt Lake Police Department shall investigate all uses of force and vehicular pursuits, providing the results of the investigation to the Board. The Board shall ask any questions or request any information that the Board deems appropriate.
- (2) Upon reviewing the evidence presented by the South Salt Lake Police Department, the Board shall determine, in writing and signed by the Chairperson, whether it agrees or not with the findings of the Chief of Police regarding whether the conduct amounted to a policy violation.
- (3) The Board may make suggestions regarding South Salt Lake Police Department Policies to the Mayor or City Council.
- (4) The Board, through the Chairperson of the Board, may raise any other concern regarding the South Salt Lake Police Department with the Mayor.

2.70.080 TRAINING OF BOARD MEMBERS.

- (1) All members of the Board shall receive training administered by the City of South Salt Lake. This training shall cover topics suggested by the National Association for Civilian Oversight of
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Law Enforcement, as well as any other topics deemed appropriate by the City Attorney's office or Mayor.

(2) All members of the Board shall receive a minimum of _____ hours of training annually.

(3) Board members are required to participate annually in a minimum of two ride-alongs with law enforcement agencies in the state of Utah, one of which must be with the South Salt Lake Police Department.

2.70.090 QUARTERLY AND ANNUAL BOARD REPORTS.

(1) The Citizen Review Board shall provide quarterly and annual reports concerning the operations of the Board. These reports shall be presented to the City Council and shall be made public.

(2) Quarterly reports shall include the following information:

a. Total number of uses of force by the City of South Salt Lake Police Department during the quarter;

b. Total number of uses of force by the City of South Salt Lake Police Department resulting in a finding by the board of one more policy violations related to the use of force during the quarter;

c. Total number of uses of force by the City of South Salt Lake Police Department where the Board disagreed with the findings of the Chief of Police.

d. Total number of vehicular pursuits by the City of South Salt Lake Police Department during the quarter;

e. Total number of vehicular pursuits by the City of South Salt Lake Police Department resulting in a finding by the Board of one or more policy violations related to vehicle pursuits during the quarter;

f. Total number of vehicle pursuits by the City of South Salt Lake Police Department where the Board disagreed with the findings of the Chief of Police.

(3) Annual reports shall include the following information:

a. Total number of uses of force by the City of South Salt Lake Police Department during the year;

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- b. Total number of uses of force by the City of South Salt Lake Police Department resulting in a finding by the board of one more policy violations related to the use of force during the year;
 - c. Total number of vehicular pursuits by the City of South Salt Lake Police Department during the year;
 - d. Total number of vehicular pursuits by the City of South Salt Lake Police Department resulting in a finding by the Board of one or more policy violations related to vehicle pursuits during the year; and
 - g. Suggestions made to the Mayor or City Council concerning South Salt Lake Police Department Policies.

2.70.100. OTHER REGULATIONS GOVERNING THE OPERATION OF THE BOARD.

The Mayor is authorized to implement additional regulations governing the Board. However, all regulations shall be consistent with this Chapter.
